

page 18, lines 30 et. Seq. It is submitted, then, that one of ordinary skill would well be able to identify the intermediate phase.

With respect to JP7087889 (Asahi), pourability is not described. In contrast, in the present application pourability is defined on page 1, lines 5-8 by the Bostwick value of at least 7 at 15°C. So the Office's argument that at higher temperatures the prior art margarine would be liquid is irrelevant as to its pourability as defined in the specification, measured at 15°C.

RD 239018 concerns a frying margarine (~80% fat) that is not indicated to be pourable. Pourability is defined in the present specification on page 3, lines 9-11 by a Bostwick value of at least 7 at 15°C. So it is submitted that any pourability at higher temperatures is irrelevant as to its pourability as defined in the specification, measured at 15 degrees C.

With respect to RD 25364, the Office point to no teaching the reference discloses a pourable spread.

As to the obviousness double patenting rejection, without conceding the propriety of the rejection, the undersigned is willing to file a terminal disclaimer upon indication of allowable subject matter to expedite allowance of the application.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Please amend claim 13 as follows:

13. (Amended) Pourable frying composition according to claim 1, wherein the citric acid ester is selected from the group comprising Grindsted™ CITREM LR 10 fat soluble, unsaturated citric acid ester of monoglyceride, Grindsted™ CITREM BC-FS fat soluble, saturated citric acid ester of monoglyceride, Lamegin ZE 306 fat soluble, unsaturated citric acid ester of monoglyceride, Myvatem SC fat soluble, saturated citric acid ester of monoglyceride, CITREM 2931 fat soluble, saturated citric acid ester of monoglyceride, Paalsgaard 3301 fat soluble, saturated citric acid ester of monoglyceride, Lamegin ZE 309 liquid, fat soluble, unsaturated citric acid ester of monoglyceride, Grindsted™ CITREM N12 water soluble, saturated citric acid ester of monoglyceride, Lamegin ZE 609 water soluble, saturated citric acid ester of monoglyceride, Lamegin 609 liquid, Paalsgaard 3325 water soluble, saturated citric acid ester of monoglyceride, CITREM 2932 saturated water soluble citric acid ester of monoglyceride and combinations thereof.